



AN ACT CHANGING "ALTERED" BIRTH CERTIFICATES TO "AMENDED" BIRTH CERTIFICATES; AND AMENDING SECTIONS 50-15-202 AND 50-15-204, MCA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-15-202, MCA, is amended to read:

"50-15-202. Unattended birth. (1) If a birth is unattended and neither parent is able to prepare a birth certificate, the local registrar shall:

- (a) secure information from any person having knowledge of the birth;
- (b) prepare and file a birth certificate;
- (c) within the time prescribed by the department, file a supplementary report furnishing information omitted from the original birth certificate if additional information is received.

(2) Birth certificates completed by a supplementary report ~~shall~~ may not be considered "delayed" or "~~altered~~" "amended".

Section 2. Section 50-15-204, MCA, is amended to read:

"50-15-204. Delayed or amended birth certificate. (1) (a) If a certificate of birth for a person born in this state has not been filed within 1 year of the birth, a delayed certificate of birth may be filed in accordance with rules adopted by the department. A delayed certificate of birth may not be registered until the requirements regarding facts pertaining to the delayed certificate, as specified by rule, have been met.

(b) A birth of a person in this state whose name has not been registered within 1 year after the birth must be registered on a delayed certificate of birth form. The delayed certificate must contain the date of registration and a summary statement of the information submitted to explain the delayed registration.

(c) A delayed certificate of birth may not be registered for a deceased person.

(d) The department may not register a delayed certificate of birth if an applicant for a delayed certificate of birth does not submit the minimum documentation required by rule for delayed registration or if the department

has cause to question the validity or adequacy of the applicant's sworn statement or the documentation provided to establish the facts and the deficiencies are not corrected. The department shall advise the applicant of the reasons for the refusal to register the delayed certificate of birth. The department shall advise the applicant of the right to seek an order from a court of competent jurisdiction to obtain registration of the delayed certificate of birth as provided in 50-15-222.

(e) The department may, by rule, provide for the dismissal of an application for registration of a delayed certificate of birth that is not actively pursued.

(2) The department or its designee may amend a birth, death, or fetal death certificate upon submitting proof as required by the department.

(3) The department shall adopt rules establishing the circumstances under which vital records may be corrected or amended and the procedure to correct or amend those records.

(4) If birth certificates are ~~altered~~ amended by the department after filing, the certificate must show the date of the ~~alteration~~ amendment and the mark "~~altered~~" "amended". A summary statement of the evidence in support of the ~~alteration~~ amendment must be endorsed on the certificate.

(5) The probative value of a "delayed" or "~~altered~~" "amended" certificate of birth is determined by the judicial or administrative body before whom the certificate is offered as evidence."

- END -

I hereby certify that the within bill,
HB 0106, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2009.

President of the Senate

Signed this _____ day
of _____, 2009.

HOUSE BILL NO. 106

INTRODUCED BY J. FRENCH

BY REQUEST OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

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